



CITY OF GAITHERSBURG
MINUTES OF A REGULAR CITY COUNCIL MEETING
MONDAY, JULY 23, 2007

A meeting of the Mayor and City Council was called to order at 7:30 p.m., Mayor Katz presiding. Council Members present: Alster, Edens, Marraffa, and Sesma. Council Member Absent: Schlichting. Staff present: City Manager Humpton, Assistant City Managers Felton and Tomasello, Director of Public Works, Parks Maintenance and Engineering Arnoult, Planning and Code Administration Director Ossont, Environmental Services Director Shingara, Capital Projects/Facilities Director Geiling, Information Technology Director Cottrell, Arts and Special Events Director Limmer, and Executive Assistant Stokes.

I. PLEDGE OF ALLEGIANCE

The Pledge was led by Richard Knoebel, Gaithersburg, Maryland.

II. INVOCATION

In lieu of an invocation, Mayor Katz called for a moment of silence.

III. APPROVAL OF MINUTES

Motion was made by Council Member Edens, seconded by Council Member Alster, that the minutes of the Mayor and Council meeting held July 9, 2007, be approved.

Vote: 4-0

IV. CONSENT ITEMS

1. Resolution of the Mayor and City Council Authorizing the City Manager to Award a Contract for Rental Equipment for the Celebrate Gaithersburg Festival

This resolution authorized the City Manager to award a contract for the above equipment with Capital Party Rentals, LLC, 44232 Mercure Circle, Dulles, Virginia 20166, in an amount not to exceed Twenty-Five Thousand Dollars (\$25,000); said funds to be expended from the Operating Budget.

2. Resolution of the Mayor and City Council Authorizing the City Manager to Enter Into a Contract to Purchase Four (4) 2008 Dodge Charger Police Vehicles

This resolution authorized the City Manager to enter into a contract to purchase the above vehicles from Hertrich Fleet Services, 1123 Shore Highway, Denton, Maryland 21629, in the amount of Eighty-Three Thousand Five Hundred Eleven Dollars (\$83,511); said funds to be expended from the Operating Budget.

3. Resolution of the Mayor and City Council Authorizing the City Manager to Enter Into a Contract to Purchase One (1) Articulating Municipal Tractor with Implements

This resolution authorized the City Manager to enter into a contract to purchase the above tractor from U.S. Municipal Supply, Inc., P.O. Box 574 Huntingdon, Pennsylvania 16652, in an amount of Ninety-Five Thousand Four Hundred Eighty Dollars (\$95,480); said funds to be expended from the Operating Budget.

Motion was made by Council Member Alster, seconded by, Council Member Sesma, that Consent Agenda (Resolution Nos. R-76-07 and R-78 -07), be approved.

Vote: 4-0

V. PUBLIC APPEARANCES

1. *Lorraine Pearsall, Montgomery Preservation, Inc. (MPI)*, asked the City to revoke the pending demolition permit for the Crown Heeter Farm House at 10000 Fields Road. The demolition permit was approved by the Historic District Commission (HDC) on May 21, 2007, which according to her was done without the proper review. She expressed concern with the process, conditions not met, and no recommendation from the Historic Preservation Advisory Committee (HPAC) to the HDC,
2. *Mary Jo LaFrance, 105 Chestnut Street*, stated the Crown Heeter Farm House has not had the proper research done, but yet a decision was made to issue a demolition permit. She further stated that the property has not been properly documented and asked that the HDC, HPAC and staff work with the developer KB Homes and follow the conditions approved by HPAC and the HDC.
3. *Wayne Goldstein, MPI*, asked the City to follow its procedures as applied to the designation process for the Heeter Crown Farm House and meet the specific conditions. Asked staff to work with MPI to preserve the farm house and suggested relocating it to the City parkland and take a look at adjacent vacant lots and possibly negotiate with owners of the lots.
4. *Judy Christinsen, 6 Walker Avenue*, stated the material presented to the HDC, HPAC, and staff was not sufficient to make the proper decision. Stated she was approached by MPI to work with City staff to research and document the house. The information and research done so far lacks history of the farm house to make good findings whether through its owners or architecture.
5. *Elizabeth Johnson, 104 Chestnut Street*, made a plea to preserve the historically significant Heeter Crown Farm House and asked that the home be properly documented as stated in the conditions.
6. *Beth Junium Saybrooke community*, thanked the City for lights installed stating that they are a deterrent to crime (burglaries, robberies, home evasions, stabbings, and vandalism). Expressed concern that police patrol has not been increased due to the numerous crimes in the vicinity of the Saybrooke community and Kelley Park.

Assistant City Manager Felton at the request of Mayor Katz, gave an update on the Crown Farm property. He stated that the project mentioned above was approved for demolition and a permit was issued. He further stated that the City was contacted by Mr. Goldstein of MPI and staff spoke with the developer who has agreed to a 30-day extension for the demolition. Following onsite visits, a suggestion made was for KB Homes to provide a lot for the house, which the developer did not agree to. Mr. Felton stated that the City has retained a consultant to evaluate the existing structures in POD 4 and possibly temporarily move the house to POD 4, which already has six structures of potential historic designation. Pursuant to the annexation agreement, HPAC will start a review of the structures in POD 4. Staff has expressed concerns about the possibility of moving the house to POD 4. In closing, he stated that the developer has taken the position that no additional funds will be spent on

the home and any organizations wishing to savage or move the house, will be do it at their own expense. Mayor Katz directed staff to meet with Mr. Goldstein and other parties to discuss further.

VI. FROM THE MAYOR AND CITY COUNCIL/ANNOUNCEMENTS

Council Member Edens

Announced the City will host three series of public educational workshops concerning the Kentlands Boulevard Commercial District. On Tuesday, July 24, 2007, the key topic of discussion will be transportation and transit issues (parking, traffic flow, Corridor Cities Transitway), and on Monday, July 30, 2007, retail will be the subject of discussion. The third workshop on urban design concepts will be explored in early September. All the workshops will be held at Lakelands Middle School, 1200 Main Street. For more information contact Planning and Code Administration Director Greg Ossont at 301-258-6330.

Council Vice President Alster

Expressed concern with the Crown Heeter House mentioned above and asked that the extension be granted and the history of the home be properly researched and documented.

Council Member Marraffa

Mentioned he traveled to Indianapolis for a NLC Board of Directors meeting and reported the following action items for cities to do such as keeping cities green (document what Gaithersburg is doing and share with the NLC); write a letter of support for the commemorative stamp for former Mayor Bradley; schedule an adoption night to address and coordinate with other cities the adoption of policies for transportation, communication, and immigration issues. He submitted to staff a DVD on media violence and its impact on children to possibly show on the City's website.

Council Member Sesma

1. Referred to the Crown Heeter Farm House and stated that he is surprise to receive at this time opposition from representatives of MPI on issues with the procedures and decisions made by HPAC and the HDC. Stated that when the motion was made to approve the permit, included in said motion was the recommendation of HPAC to document the historic aspects of the house and to assist MPI or any other organization interested in preserving the structure.
2. Recently attended the Montgomery County Divisional Swim meets. Mentioned that his child participated in the event and congratulated all the county swimmers on their performance. He stated that during the summer, over 20,000 county children participate in recreational swimming. He further stated that the decision of the Mayor and City Council to move forward with the aquatic center is well justified by the need for such service.

Mayor Katz

Announced the following meeting schedule:

- regular meeting on Monday, August 6, 2007
- City to host National Night Out Against Crime event on Tuesday, August 7, 2007, 7-9 p.m., at four locations (Lakelands, Kelley, Diamond Farms, and Morris Parks), beginning at 7 p.m. For more information contact the Park, Recreation, and Culture at 301-258-6350, parksrec@gaitthersburgmd.gov

VII. FROM THE CITY MANAGER

City Manager Humpton congratulated and recognized the employee and team of the year.

Terrilyn Lahs, Facilities Administration Director, Parks, Recreation and Culture, for outstanding performance and for continually going above and beyond her regular duties to provide remarkable customer service.

Human Resources Team (Margaret Daly, Marjie Eyler, Kim Yocklin, and Gilma Climaco), was nominated for the tremendous effort they put forth for such essential operations as employee benefits, insurance, hiring, payroll, and training, meeting the needs of City employees and retirees who number up to 750 at times.

VIII. PUBLIC HEARING

Resolution of the Mayor and City Council to Amend Section 5 and Section 16 of the City Charter to Increase the Salary of the Mayor and the Members of the City Council and to Create a New Section 5A of the City Charter to Require the Appointment of a Mayor and City Council Compensation Committee Every Four Years

Assistant City Manager Felton stated the above public hearing was duly advertised in the *Gaithersburg Gazette* issue of June 27, 2007. On April 9, 2007, the Ad Hoc Mayor and City Council Compensation Review Committee was established to evaluate the Mayor and City Council salaries and make sure they were in line with other jurisdictions. During the June 18, 2007 Mayor and City Council meeting, the Committee gave a presentation and highlighted the following recommendations:

- That the Mayor and City Council consider a Charter Amendment requiring the appointment of a Compensation Review Committee every four years.
- That the Mayor's salary be increased from \$12,500 per year to \$18,500 per year immediately after the City election in 2009.
- That the City Council's salary be increased to \$15,000 per year effective immediately after the City election in 2009.
- The Committee recommends a \$500 incremental salary increase for the Mayor and City Council during the "out-years" (2010, 2011, and 2012).
- That the Planning Commission's stipend be increased from \$1,500 per year to \$3,000 per year effective July 1, 2007.
- That the recommendations outlined above are discussed at a public forum or meeting prior to a decision being made by the Mayor and City Council.

The Committee was directed to schedule a public hearing on the draft Charter Amendment that would implement the Compensation Committee's recommendations. Assistant City Manager Felton stated that the amendments would go into affect after the November 2009 City Election. The Committee also proposed that the Mayor and City Council Members receive incremental salary increases of \$500 in the out years of 2010, 2211 and 2212.

Staff recommended the Mayor and City Council close their record on the above at 5 p.m. on August 15, 2007, with final action anticipated on August 20, 2007.

There were no speakers from the public at the hearing.

Motion was made by Council Member Alster, seconded by Council Member Marraffa, that the Mayor and City Council close their record Wednesday, August 15, 2007, 5 p.m., on the above matter.

Vote: 4-0

IX. ORDINANCES, RESOLUTIONS, AND REGULATIONS**1. Resolution for Dredging the Watkins Mill Storm Water Management Pond**

This resolution authorized the City Manager to enter into a contract for the above services with Baltimore Pile Driving & Marine Construction, Inc., 5102 Norrisville Road, White Hall, Maryland 21161, in the estimated amount Three Hundred Two Thousand Dollars (\$302,000); said funds to be expended from the Capital Improvements Budget.

Motion was made by Council Member Marraffa, seconded by, Council Member Sesma, that a RESOLUTION OF THE MAYOR AND CITY COUNCIL AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR DREDGING THE WATKINS MILL STORM WATER MANAGEMENT POND (Resolution No. R-79-07), be approved.

Vote: 4-0

2. Resolution for Security Services for City Facilities

This resolution authorized the City Manager to enter into a contract for the above security services for one year with the option to extend for additional years in accordance with the Arlington County contract with CES Security, 115 McHenry Avenue, Baltimore, Maryland 21208, in the estimated amount of One Hundred Ten Thousand Dollars (\$110,000); said funds to be expended from the Operating Budget

Motion was made by Council Member Alster, seconded by, Council Member Edens, that a RESOLUTION OF THE MAYOR AND CITY COUNCIL AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR SECURITY SERVICES FOR CITY FACILITIES (Resolution No. R-80-07), be approved.

Vote: 4-0

3. Resolution Approving a Waiver of Disturbance Within the Stream Valley Buffer at Asbury Methodist Village

This resolution approved the above waiver requested to permit approximately one acre of disturbance with the stream valley buffer at Asbury Methodist Village, including three storm drain outfalls with the following conditions:

1. The limits of disturbance and concept designs outlined in the waiver application are not absolute and may be modified by staff during final engineering and field coordination to minimize clearing, grading, tree removal, and encroachments into stream and wetland buffers;
2. The applicant will obtain all necessary approvals and permits from all local, State, and Federal findings agencies prior to disturbing the stream valley buffer;

3. Pursuant to Section 33 of the *Environmental Standards for Development Regulation* and as part of the project's onsite mitigation plan, the applicant shall work with staff to design and construct approximately 400 linear feet of stream stabilization in the vicinity of the south pond (area designated as "Emergency Stabilization" in Exhibit 2c) prior to the release of bonds for this development. In addition, the applicant shall work with staff to develop an agreement that would implement a plan to restore approximately 800 linear feet of stream (area designated as "Stream Restoration" in Exhibit 2c). It is anticipated that this agreement would provide for the expenditure of \$158,000 of public funds (previously collected from other developers), and would require the City to seek grant funds from outside sources that would reduce the cost to both parties. In any event, the applicant's total stream improvement obligation under this development approval shall not exceed \$250,000; and
4. Storage or deposition of equipment, trucks, materials, waste, or debris within the stream buffer is prohibited.

Motion was made by Council Member Marraffa, seconded by, Council Member Alster, that a RESOLUTION OF THE MAYOR AND CITY COUNCIL APPROVING A WAIVER OF THE ENVIRONMENTAL STANDARDS FOR DEVELOPMENT REGULATION TO PERMIT APPROXIMATELY ONE ACRE OF DISTURBANCE WITHIN THE STREAM VALLEY BUFFER AT ASBURY METHODIST VILLAGE (Resolution No. R-81-07), be approved with the four (4) conditions above.

Vote: 4-0

4. Resolution Approving a Waiver of Disturbance Within the Stream Valley Buffer and of Redevelopment Within the Dam Breach Limit at the Fairfield Broadstone Property

This resolution approved the above waiver requested to permit, at a maximum, 0.45 acres of disturbance within the stream valley buffer and 7.21 acres of redevelopment within the dam breach limits at the Fairfield Broadstone Property, subject to the following conditions:

1. At final site plan approval, the finished floor elevations of the multifamily structures shall not be lower than the elevations demarcated on the Danger Reach Study approved by the Maryland Department of the Environment on June 4, 2007;
2. The applicant will delineate the stream valley buffer and danger reach areas (with reference elevations at critical locations) on the record plat to ensure that the public is informed as to the existence of a dam and its potential to fail or breach;
3. The owner will assist the City in developing an Emergency Action Plan (EAP) prior to the issuance of occupancy permits and completing annual updates of the EAP;
4. The owner is required to notify residents of the existence of a dam and its potential to fail or breach prior to sale or leasing;

5. As part of the project's onsite mitigation plan, the applicant will reforest the stream valley buffer and place approximately 1.27 acres in a forest conservation easement for permanent protection, conduct the necessary improvements to the Summit Hall dam to decrease the likelihood of a dam breach event and the severity of a dam breach, and develop a Construction, Demolition, and Landclearing (CDL) Waste Management Plan which shall divert waste disposed at a landfill through reuse, recycling, composting, or salvage methods such materials as asphalt, concrete, unit appliances, metals, green waste (trees, stumps, land clearing debris), and other demolition and construction materials; and
6. Storage or deposition of equipment, trucks, materials, waste, or debris within the stream buffer is prohibited.

Motion was made by Council Member Sesma, seconded by, Council Member Edens, that a RESOLUTION OF THE MAYOR AND CITY COUNCIL APPROVING A WAIVER OF THE ENVIRONMENTAL STANDARDS FOR DEVELOPMENT REGULATION TO PERMIT, AT A MAXIMUM, 0.45 ACRES OF DISTURBANCE WITHIN THE STREAM VALLEY BUFFER AND 7.21 ACRES OF REDEVELOPMENT WITHIN THE DAM BREACH LIMIT AT THE FAIRFIELD BROADSTONE PROPERTY (Resolution No. R-82-07), be approved with the six (6) conditions above.

Vote: 4-0

X. POLICY DISCUSSION AND STAFF GUIDANCE

Resolution of the Mayor and City Council of Gaithersburg Granting Approval of Schematic Development Plan SDP-04-001, Quince Orchard Park, Parcel A, The Vistas, Winter Walk Drive and Quince Orchard Road, Gaithersburg, Maryland

Assistant City Manager stated that at the policy discussion on June 18, 2007, the Mayor and City Council was supportive of the plan, but expressed concern that the conditions would not lead to integration of the communities. Staff met with the applicant and the Quince Orchard Park Board on July 5, 2007, but was unable to reach an agreement and staff asked the Mayor and City Council to defer action on July 9, 2007. He stated that both the Churchill Group and Quince Orchard Park Board of Directors has now signed a Memorandum of Understanding that outlines the cross easement agreement that will provide for the shared use of amenities between the two communities and hopefully lead to a full annexation. He reviewed the provisions of the Memorandum of Understanding with the Mayor and City Council. Mr. Felton informed the Mayor and City Council that the previous resolution submitted was revised modifying condition #2 and a new condition #14.

Motion was made by Council Member Marraffa, seconded by, Council Member Alster, that a RESOLUTION OF THE MAYOR AND CITY COUNCIL OF GAITHERSBURG GRANTING APPROVAL OF SCHEMATIC DEVELOPMENT PLAN SDP-04-001, QUINCE ORCHARD PARK, PARCEL A, THE VISTAS, WINTER WALK DRIVE AND QUINCE ORCHARD ROAD, GAITHERSBURG, MARYLAND, FOR APPROXIMATELY 13.05 ACRES OF PROPERTY ZONED MIXED USE DEVELOPMENT (MXD) (Resolution No. R-83-07), be approved with the revised conditions and Memorandum of Understanding discussed.

Vote: 4-0

XI. FROM STAFF

- **Guidance on a Memorandum Dated July 19, 2007 Concerning the Planning Commission's Stipend**

Assistant City Manager Felton stated that on June 18, 2007, the City's Compensation Committee recommend in their final report dated June 14, 2007, that the Planning Commission's annual stipend be raised from \$1,500 to \$3,000, effective July 1, 2007. He further stated that the stipend increase does not require a Charter Amendment. The Mayor and City Council all concurred with the recommendation of the Committee.

XII. ADJOURNMENT

There being no further business to come before this session of the City Council, the meeting was duly adjourned at 8:38 p.m.

Respectfully submitted,

Doris R. Stokes

Doris R. Stokes
Executive Assistant